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DEPARTMENT FOR EB/TRA, EUR/AGS

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SUBJECT: German MOI Standoff on TSA Air Security Inspections

Sensitive but unclassified; not for internet distribution.

¶1. (SBU) SUMMARY: The Department of Homeland Security's Transportation Security Administration (TSA) regularly conducts observations of both U.S. and German carriers in Germany at airports with direct service to the U.S., as mandated under U.S. law. Recently, the German Ministry of the Interior (MOI) has limited or denied TSA inspectors permission to observe German flag carriers at airports in Duesseldorf and Cologne-Bonn. The MOI justifies the decision on the grounds of timing, resources, and jurisdiction, arguing that TSA inspections are duplicative and pose an unnecessary burden on security personnel. END SUMMARY.

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"No" to Inspections of German Carriers at Duesseldorf  
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¶2. (SBU) Before TSA conducts an observation, it notifies in writing to entities directly affected by the visits (including the airline and airport) with a courtesy letter to federal authorities. Typically, local authorities brief and/or escort TSA Inspectors during their observations. In a letter sent on 14

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September 2006, TSA Representative (TSAR) announced the intended visit of two Senior Aviation Security Inspectors to Duesseldorf Airport (DUS) the week of October 16, to observe LTU and PrivatAir operations there. Upon arrival, however, airport officials and federal police informed the team that it could not conduct the inspection, based on an order of the MOI.

¶3. (SBU) In subsequent communications, a MOI representative referred to a September 21, 2006 letter to TSA (from Mr. Jesko Ullrich) in which the MOI:  
-- cited European Commission and ICAO audits of German airports as sufficiently rigorous  
-- said that the MOI and airports do not have sufficient personnel to escort TSA inspectors for extended inspections  
-- proposed a half-day meeting with security personnel at DUS to explain the airport's aviation security plan including a brief inspection of the airport (presumably in lieu of a full inspection).

¶4. (U) NOTE: When TSA visits U.S. air carriers, although it sends a courtesy letter to notify the MOI and Ministry of Transportation (MOT), there is no need for assistance from airport officials since the team is escorted by carrier representatives. END NOTE.

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Standoff in Cologne-Bonn But Inspection Likely to Proceed  
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15. (SBU) A similar situation is pending at Cologne-Bonn Airport (CGN). On October 25, TSA wrote to MOI and MOT officials regarding a planned November visit of two TSA inspectors to conduct observations of Continental Airlines at CGN. TSAR received an initial email reply from MOI on October 26, requesting that the visit be postponed until December (with no explanation). When TSAR referred to TSA's tight schedule and explained that the TSA visit in question would only consist of observing the U.S. carrier -- i.e., no assistance required from airport/police officials -- MOI repeated its opposition to a visit in November. Subsequently, the relevant state transport ministry (German state of North Rhine-Westphalia) recommended the inspection go forward. TSA now has indications that the visit will proceed as planned on November 7-8.

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COMMENT  
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16. (SBU) MOI attempts to delay inspections through the end of November may stem from a planned TSA-MOI meeting in December to discuss Germany's new National Quality Control Program (an ICAO mechanism for improving and standardizing air security). The MOI appears less flexible on TSA inspecting German flag carriers than on inspections of U.S. carriers.

17. (SBU) MOI intransigence may be a sign of things to come, even if it eventually acquiesces on the question of TSA inspections at DUS and CGN. In its official communications, the MOI criticizes the "duplication of efforts" implicit in TSA inspections and asserts that international jurisdiction is limited to ICAO's Universal Security Audit Program and the European Commission (whereas national jurisdiction is in the hands of the German MOI and MOT). In Germany and elsewhere, expanded European Commission efforts are likely to force the issue of TSA inspections as a question of resources and jurisdiction. TSAR reports that TSA

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colleagues in other EU member states are also having difficulty scheduling inspections; TSAR believes this may indicate that the Commission is asserting its authority in the area of airline security. If this is correct, TSA may face difficulties in carrying out its congressionally-mandated responsibilities.

18. (U) TSA is continuing to work the issue through its channels.

19. (U) This message was coordinated with TSAR Frankfurt and Embassy Berlin.

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